



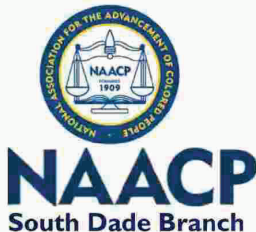
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May 23, 2023

Miami City Commission
3500 Pan American Drive
Miami, FL 33133

Re: Plaintiffs' Proposed Remedial City Commission Maps

Dear City Commissioners,

Earlier today, the U.S. District Court for the Southern District of Florida issued a preliminary injunction in *GRACE, Inc., et al. v. City of Miami*, our challenge to the City Commission map. The Court found we are substantially likely to prevail on our claim that the map is an impermissible racial gerrymander that unconstitutionally divides voters along racial lines, slicing through our neighborhoods and violating our rights—as well as the rights of all Miamians.

The Court has given the City an opportunity to undo those violations and remedy those wrongs. As the Commission re-embarks on its mapmaking process, we submit for your consideration two new maps that cure the problems the Court identified. These maps can be viewed on Google Maps here: bitly.ws/FhLi. More materials and data files are at aclufl.org/miami-maps. Printed copies are enclosed here as well.

These **Plaintiffs' Maps 1 and 2** present a new vision for Miami: one that moves us forward, rather than holds us back; one that advances representation for all residents, rather than constrains it; one that brings us together, rather than divides us.

Both maps feature compact and logical districts that respect neighborhoods, follow major geographic boundaries, and preserve genuine communities of interest. They undo the racial gerrymandering that has violated Miamians' rights to equal protection of the laws, while also complying with the crucial mandates of the Voting Rights Act.

Plaintiffs' Map 1 is our first-preference map. In Map 1:

1. **District 1** unites all of Allapattah and Downtown, plus much of Overtown, Omni, and areas between the Miami River and Dolphin Expressway. It is bordered on the south by the Miami River and Dolphin Expressway; on the west by NW 27th Avenue and the city limits; on the north by the city limits, SR 112, I-95, I-395, FEC Railway, and NE 21st Street; and on the east by the bay.

2. **District 2** unites all of Brickell, Coconut Grove, and Silver Bluff, including Golden Pines. It is bordered by Coral Way, SW 17th Avenue, US 1,

PLAINTIFFS' TRIAL
EXHIBIT

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I-95, the Miami River, the bay, and the city limits.

3. District 3 unites Shenandoah, the Roads, and much of Little Havana east of 27th Avenue, including the heart of Calle Ocho. It is bordered on the north by the Dolphin Expressway and Miami River; on the east by I-95; on the south by US 1, SW 17th Avenue, and Coral Way; and on the west by 27th Avenue.

4. District 4 sits compactly in the western end of the city, uniting all of Flagami and the West Flagler area. It encompasses everything west of 27th Avenue and north of Coral Way, including Coral Gate and Grapeland Heights.

5. District 5 is situated on the northern end of the city, uniting all the neighborhoods north of the Julia Tuttle/SR 112, including Liberty City, Little Haiti, and the Upper East Side. It also encompasses portions of Overtown north of I-395, and part of Edgewater. Its southern border runs along SR 112, I-95, I-395, the FEC Railway, and NE 21st Street.



Plaintiffs' Map 2 is our second-preference map. In Map 2:

1. District 1 unites all of Allapattah, much of Little Havana, and part of Downtown. It is bordered on the south by the Miami River and SW 4th Street; on the west by 22nd Avenue, the Miami River, and the city limits; on the north by the city limits and SR 112; and on the east by I-95, NW 8th Street, and the Metrorail.

2. District 2 includes everything on the bay side of US 1, I-95, the Metrorail, and the FEC Railway, from the southern city limits up to NE 23rd Street. It includes all of Coconut Grove, part of Brickell, and much of Downtown and Omni.

3. District 3 unites Shenandoah, the Roads, Silver Bluff, and much of Little Havana, including the heart of Calle Ocho. It is bordered on the north by Calle Ocho, SW 22nd Avenue, SW 4th Street, and the Miami River; on the east and south by the Metrorail, I-95, and US 1; and on the west by the city limits.

4. District 4 sits compactly in the western end of the city, uniting all of Flagami and the West Flagler area. It encompasses everything north of Calle Ocho and west of 22nd Avenue to the Miami River, including Grapeland Heights.

5. District 5 is situated on the northern end of the city, uniting all the neighborhoods north of the Julia Tuttle/SR 112, including Liberty City, Little Haiti, and the Upper East Side. It also encompasses much of Overtown including down to the historic Lyric Theater, and some of Edgewater. Its southern border runs along SR 112, I-95, NW 8th Street, the FEC Railway, and NE 23rd Street.

The Voting Rights Act:

Consistent with the expert analysis credited by the Court, District 5 in both maps will continue to provide Black voters with the ability to elect preferred candidates, as the Voting Rights Act requires.

In Map 1, District 5 is:

- **53% Black**, 32% Hispanic, 12% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by Citizen Voting-Age Population (CVAP) from the Census Bureau's 2020 American Community Survey.
- **52% Black**, 28% Hispanic, 18% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by 2023 voter registration.¹

In Map 2, District 5 is:

- **55% Black**, 31% Hispanic, 11% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by CVAP.
- **53% Black**, 28% Hispanic, 17% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by voter registration.²

We plan to provide you with further expert analysis regarding these maps' compliance with the Voting Rights Act in the coming weeks.

Other Legal Requirements:

These maps fully comply with all other requirements of law, including the U.S. Constitution's equal-population mandate. In fact, both these maps better comply with the "One Person, One Vote" requirement than the unconstitutional 2022 map:



Plaintiffs' Map 1				
District	Population	Deviation	Percent Deviation	FDC-Miami Population ³
1	85,162	-3,005	-3.4%	1,407
2	89,078	+911	+1.0%	—
3	87,666	-501	-0.6%	—
4	89,091	+924	+1.0%	—
5	89,837	+1,670	+1.9%	—
Citywide	440,834	4,675	5.3%	

¹ These voter registration statistics exclude voters whose race is unknown, multi-race, or "other." These voters are 7% of District 5 in Map 1.

² Voters whose race is unknown, multi-race, or "other" are 7% of District 5 in Map 2.

³ Consistent with recent caselaw in the Eleventh Circuit, we have excluded from the redistricting count the 1,407 individuals the 2020 Census counted as incarcerated at the Federal Detention Center in Downtown Miami. See *Calvin v. Jefferson Cnty.*, 172 F. Supp. 3d 1292 (N.D. Fla. 2016). Because these individuals come from across the county and region, because FDC-Miami is a federal facility, and because *nobody* is registered to vote at FDC-Miami, they lack the "representational nexus" with city commissioners required to include them in the population count for City Commission redistricting. *Id.* at 1310.

Regardless of whether the FDC population is included or excluded, however, Plaintiffs' Maps 1 and 2 conform to equal-population requirements, and do so better than the unconstitutional 2022 map.

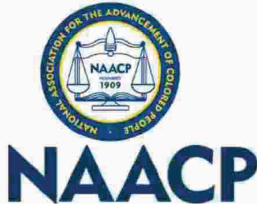
Plaintiffs' Map 2				
District	Population	Deviation	Percent Deviation	FDC-Miami Population
1	86,541	-1,626	-1.8%	—
2	91,173	3,006	+3.4%	1,407
3	85,108	-3,059	-3.5%	—
4	90,388	+2,221	+2.5%	—
5	87,624	-543	-0.6%	—
Citywide	440,834	6,065	6.9%	

We urge you to consider these maps as you continue your legislative process. We look forward to following your deliberations in the coming days, and we welcome the opportunity to collaborate with you on a map that fairly represents all Miami. We submit these options in the spirit of collaborative and constructive dialogue.

Please do not hesitate to contact any of us if you would like to discuss this matter further. If you wish to have a meeting including our attorneys, please reach out to the City Attorney's Office to facilitate that.

Thank you for your consideration.

Sincerely,



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